REMARKS

Claims 1, 2, 10, 12, 13, 14, 22, and 23 have been canceled from the present application without prejudice to the re-filing of the claims in a continuation application. Claim 24 has been added. Claims 4, 6, 7, and 9 have been amended to depend from non-canceled claims. Claim 5 and 15 have been amended for clarification. Support for the amendment is found in the specification at page 4. The amendment does not contain new matter. Claims 4 – 9, 15 and 24 are currently pending.

35 U.S.C. §103(a)

Claims 1 – 2, 4 – 10, 12 – 15, and 22- 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shaw et al. and Korba in view of Glazier et al. Applicants respectfully traverse. Claims 1, 2, 10, 12, 13, 14, 22, and 23 have been canceled from the present application, rendering the rejection moot as to these claims.

The Examiner has stated that "The prior art does also not expressly disclose a pharmaceutical composition or formulation comprising lamivudine (3TC) and adefovir dipivoxil, the prodrug of PMEA in unit dosage form and the particular ratio of lamivudine (3TC) and the prodrug of PMEA herein, the manner of administration of the pharmaceutical composition or formulation herein." Furthermore, Shaw discloses ratios wherein the amount of (9-[(R)-2-(phosphonomethoxy)ethyl]adenine exceeds the amount of (2R,cis)-4-amino-1-(2-hydroxymethyl-1-,3-oxathiolan-5-yl)-pyrimidin-2-one. The pending claims are directed to pharmaceutical compositions wherein the amount of (2R,cis)-4-amino-1-(2-hydroxymethyl-1-,3-oxathiolan-5-yl)-pyrimidin-2-one exceeds that of bis(pivaloyloxymethyl)(9-[(R)-2-(phosphonomethoxy)ethyl]adenine. Neither Shaw, nor Korba or Glazier disclose the therapeutically effective ratio of (2R,cis)-4-amino-1-(2-hydroxymethyl-1-,3-oxathiolan-5-yl)-pyrimidin-2-one to bis(pivaloyloxymethyl)(9-[(R)-2-(phosphonomethoxy)ethyl]adenine, nor do they disclose the ratio in the treatment of resistant HBV. In fact, Shaw teaches away from the therapeutically effective ratio by teaching an excess of (9-[(R)-2-(phosphonomethoxy)ethyl]adenine over (2R,cis)-4-amino-1-(2-hydroxymethyl-1-,3-oxathiolan-5-yl)-pyrimidin-2-one. Therefore, Shaw and Korba in view of Glazier provide no motivation to modify the disclosure to arrive at the present invention.

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In view of the discussion and amendment, Applicants respectfully request removal of the rejection of Claims 4 – 9 and 15 under 35 U.S.C. §103(a).

Applicants respectfully submit that the present application is in condition for allowance. An early consideration and notice of allowance are earnestly solicited.

Respectfully submitted,

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Karen L. Prus, Ph.D.
Attorney for Applicant
Reg. No. 39,337

GlaxoSmithKline
Corporate Intellectual Property Department
Five Moore Drive, P.O. Box 13398
Research Triangle Park, NC 27709
Tel: (919) 483-2192
Fax: (919) 483-7988